

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOYAL M. WEBBER,  
Plaintiff,

v.

CONNIE GIPSON,  
Defendant.

Case No. [13-cv-01444-VC](#)

**ORDER GRANTING MOTION TO  
EXTEND TIME TO FILE APPEAL**

Re: Dkt. No. 19

On May 7, 2014, judgment was entered against Petitioner Doyal M. Webber in this habeas action. On November 4, 2014, Webber filed a motion for an extension of time to file an appeal. He indicates that he could not file a timely notice of appeal because he was in Administrative Segregation and without his legal papers from April 20, 2014 through September 22, 2014.

Under Federal Rule of Appellate Procedure 4(a)(5), a court may extend the time to file a notice of appeal if (i) a party so moves no later than thirty days after the time prescribed by Rule 4(a) expires; and (ii) regardless of whether the motion is filed during the thirty-day period, the party shows excusable neglect or good cause.

The Court finds that the the thirty-day period for filing a notice of appeal began to run on September 22, 2014, when Webber received his legal papers and, thus, he has filed this motion within the time period prescribed by Federal Rule of Appellate Procedure 4(a)(5)(i). The Court also finds that Webber has shown good cause for not filing a timely notice of appeal. Therefore, Webber's motion satisfies the requirements of Federal Rule of Appellate Procedure 4(a)(5). The motion for an extension of time to file a notice of appeal is granted.

This Order terminates docket number 19.

**IT IS SO ORDERED.**

Dated: November 14, 2014



VINCE CHHABRIA  
United States District Judge

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**CERTIFICATE OF SERVICE**


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/14/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Doyal M. Webber ID: AB3963  
CSP- Los Angeles County  
P.O. Box 8457  
Lancaster, CA 93539-845

Dated: 11/14/2014

Richard W. Wieking  
Clerk, United States District Court

By:   
Kristen Melen, Deputy Clerk to the  
Honorable VINCE CHHABRIA